

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LEONITUS JABIR BEY,
Plaintiff,

C.A. NO.: 19-10219- PBS

v.

DAVID PENDER,
Defendant

**DEFENDANT’S OPPOSITION TO *PRO SE* PLAINTIFF’S
WRIT OF DEMURRER TO STRIKE DEFENDANT’S OPPOSITION
TO SUMMARY JUDGMENT**

The defendant, David Pender, makes this his opposition to the *pro se* plaintiff’s *Writ Of Demurrer to Strike Defendant’s Opposition to Summary Judgment* filed on April 27, 2021 (Docket No. 31).

As reasons therefore, the court decided the cross-motions for summary judgment on March 30, 2021 allowing the defendant’s Motion for Summary Judgment as to the unlawful arrest claim and denied their motion as to the excessive force claim. The court denied the *pro se* plaintiff’s motion for summary judgment. The case has been scheduled for a pre-trial conference on June 24, 2021 and jury trial on July 27, 2021.

Further reasons are as follows: the *pro se* plaintiff has already filed a similar document which was entitled *Writ of Demurrer to Strike Defendant’s Opposition to Summary Judgment* which made similar arguments and was denied by the court on March 30, 2021.

Addressing matters in the second “Motion” to Strike Defendant’s Opposition to Summary Judgment, a Concise Statement of Material Facts was served with the Motion for Summary Judgment upon the *pro se* plaintiff for which no response was made. The *pro se* plaintiff did not serve a Concise Statement of Facts with his Motion for Summary Judgment

although he did set forth facts within his motion which were separately responded to by the defendant in the opposition to the Motion for Summary Judgment.

WHEREFORE, for the above reasons, the defendant moves the court to deny the plaintiff's motion.

The Defendant,

By his attorney,

/s/Bradford N. Louison

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Date: April 28, 2021

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused the foregoing to be served by first class mail or via email to:

Leonitus Jabir Bey
P.O. Box 1934
Lowell, Mass 01854

/s/Bradford N. Louison

Bradford N. Louison

Dated: April 28, 2021